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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/977,085	10/12/2001	Jonathan I. McCormack	1217	1923

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EXAMINER

WON, MICHAEL YOUNG

ART UNIT PAPER NUMBER

2155

DATE MAILED: 11/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/977,085

Applicant(s)

MCCORMACK ET AL.

Examiner

Michael Y. Won

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 October 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/22/03</u> . | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This action is responsive to the Preliminary Amendment filed October 12, 2002.
2. Claim 1 has been cancelled and new claim 2-14 have been added.
3. Claims 2-14 have been examined and are pending with this action.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 2, 5, 6, and 8-14 are rejected under 35 U.S.C. 102(e) as being anticipated by *Martin, Jr.* et al. (US 6,610,105 B1).

As per **claim 2**, *Martin, Jr.* teaches a system having a first type of electronic communication device containing personalized information pertaining to a user (see col.6, lines 48-51) and a second type of electronic communication device operated by said user (see col.5, lines 18-25), said system including a remote digital identity

database and a digital identity server on a distributed computing network (see Fig.2A, #130 & #128, respectively), a method comprising:

entering identification information into said first type of electronic communication device (see col.6, lines 60-65: "authenticated to enable access... accomplished through the use of a username/password pair");

transmitting said identification information from said first type of electronic communication device to said digital identity server (see col.8, lines 7-16);

transmitting personalized information from said first type of electronic communication device to said digital identity server (see col.6, lines 48-51: "PC 110 can be used to pre-enter or organize");

storing said personalized information from said first type of electronic communication device in said digital identity database (see Fig.2A, #130 and col.6, lines 52-56);

entering said identification information into said second type of electronic communication device (see col.6, lines 60-65: "authenticated to enable access... accomplished through the use of a username/password pair");

transmitting said identification information from said second type of electronic communication device to said digital identity server (see col.8, line 60-col.9, line 6);

retrieving said personalized information from said digital identity database (see col.7, line 60-col.8, line 6); and

forwarding said personalized information to said second type of electronic communication device (see col.4, lines 49-51 and col.8, lines 17-49)

wherein said personalized information pertaining to said user in said first type of electronic communication device is transferred to said second type of electronic communication device (see col.8, lines 26-49), thereby personalizing said second type of electronic communication device to said user (see col.8, lines 50-59).

As per **claim 5**, which depends on claim 2, *Martin, Jr.* further teaches wherein the first type of electronic communication device is a computer (see col.6, lines 48-51: "PC 110") and said second type of electronic communication device is a cell phone (see col.5, lines 52-55).

As per **claim 6**, which depends on claim 2, *Martin, Jr.* further teaches wherein the first type of electronic communication device is a computer (see col.6, lines 48-51: "PC 110") and said second type of electronic communication device is a PDA (see col.5, lines 18-25).

As per **claim 8**, which depends on claim 2, *Martin, Jr.* further teaches wherein first type of electronic communication device is one of the group comprising a CATV settop, a satellite receiver, a cell phone, a PDA, or a video game console (implicit: see col.4, lines 45-51) and said second type of electronic communication device is also one of said group comprising a CATV settop, a satellite receiver, a cell phone, a PDA, or a video game console (see col.5, lines 18-25).

As per **claim 9**, which depends on claim 2, *Martin, Jr.* further teaches wherein said personalized information forming said digital identity is a browser cookie (see col.7, lines 56-59).

As per **claim 10**, which depends on claim 2, *Martin, Jr.* further teaches wherein said personalized information forming said digital identity is account data (see col.7, lines 34-35: "user account").

As per **claim 11**, which depends on claim 2, *Martin, Jr.* further teaches wherein said personalized information forming said digital identity is a subscription data or a service (see col.7, lines 35-47).

As per **claim 12**, which depends on claim 2, *Martin, Jr.* further teaches wherein said personalized information forming said digital identity is a personalized data collection (see Fig.3B).

As per **claim 13**, which depends on claim 2, *Martin, Jr.* further teaches wherein said personalized information forming said digital identity is an email address book (see Fig.4B, #424).

As per **claim 14**, which depends on claim 2, *Martin, Jr.* further teaches wherein said personalized information forming said digital identity is a favorite web site (see Fig.4A).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3, 4, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Martin, Jr.* et al. (US 6,610,105 B1) in view of *Abensour* et al. (US 6,343,319 B1).

As per **claim 3**, which depends on claim 2, *Martin, Jr.* further teaches wherein the first type of electronic communication device is a computer (see col.6, lines 48-51: "PC 110"), however *Martin, Jr.* does not explicitly teach said second type of electronic communication device is a CATV settop. *Abensour* teaches that an electronic communication device is a CATV settop (see col.5, lines 64-65).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of *Abensour* within the system of *Martin, Jr.* by implementing a CATV settop as a second communication device within the system because although *Martin, Jr.*'s functional goal is to provide mobility to the access of the personalized information, *Martin, Jr.* teaches that the system can be employed in a data network that is "wired, wireless, or some combination thereof" (see col.2, lines 36-37 and col.4, lines 45-46) and further adds that contents can be returned to the requestor in a format suitable for their devices (see col.2, lines 40-42 and col.4, lines 49-51). Therefore by incorporating CATV settop would increase the applicability of the system.

As per **claim 4**, which depends on claim 2, *Martin, Jr.* further teaches wherein the first type of electronic communication device is a computer (see col.6, lines 48-51: "PC 110"), however *Martin, Jr.* does not explicitly teach said second type of electronic communication device is a satellite receiver. *Abensour* teaches that an electronic communication device is a satellite receiver (see col.5, lines 56-63).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of *Abensour* within the system of *Martin, Jr.* by implementing a satellite receiver as a second communication device within the system because *Martin, Jr.* teaches of a wireless data network called airnet (see col.4, lines 58-59) and how airnet 102 is employed for communicating simultaneously with a plurality of mobile devices (see col.6, lines 42-44). Therefore since satellite systems are employed via airnet one of ordinary skill in the art would employ satellite receivers to increase applicability.

As per **claim 7**, which depends on claim 2, *Martin, Jr.* further teaches wherein the first type of electronic communication device is a computer (see col.6, lines 48-51: "PC 110"), however *Martin, Jr.* does not explicitly teach said second type of electronic communication device is a video game console. *Abensour* teaches that an electronic communication device is a video game console (see col.8, lines 23-32).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of *Abensour* within the system of *Martin, Jr.* by implementing a video game console as a second communication device within the system because *Abensour* teaches that such is equivalent to a PC, a network computer, settop box, or intelligent user device.

### **Conclusion**

8. For the reasons above claims 2-14 has been rejected.

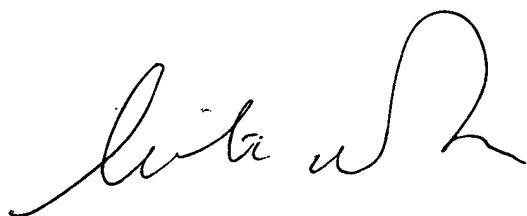


9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Y. Won whose telephone number is 571-272-3993. The examiner can normally be reached on M-Th: 7AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael Won



November 17, 2005



SALEH NAJJAR  
SUPERVISORY PATENT EXAMINER